

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By **CHAIRMAN JIM KEANE**, on January 27, 2005 at 8:00 A.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Jim Keane, Chairman (D)  
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)  
Rep. Joe McKenney, Vice Chairman (R)  
Rep. Elsie Arntzen (R)  
Rep. Bob Bergren (D)  
Rep. Tim Dowell (D)  
Rep. Kevin T. Furey (D)  
Rep. Ralph Heinert (R)  
Rep. Llew Jones (R)  
Rep. Mike Jopek (D)  
Rep. Harry Klock (R)  
Rep. Scott Mendenhall (R)  
Rep. Mike Milburn (R)  
Rep. Don Roberts (R)  
Rep. Wayne Stahl (R)  
Rep. Dan Villa (D)  
Rep. Jonathan Windy Boy (D)

**Members Excused:** Rep. Dave Gallik (D)

**Members Absent:** None.

**Staff Present:** Bart Campbell, Legislative Branch  
Kyanne Kelly, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 334, 1/19/2005; HB 348,  
1/19/2005; HB 402, 1/19/2005; HB  
364, 1/19/2005; HB 295, 1/19/2005  
Executive Action: HB 322, HB 71, HB 381, HB 357, HB  
334

**HEARING ON HB 334**

**Opening Statement by Sponsor:**

REP. VERONICA SMALL-EASTMAN (D) , HD 42, opened the hearing on HB 334, Distribute portion of gambling revenue to counties for law enforcement.

00:03:06

**Proponents' Testimony:**

00:06:04 John Prettyontop, Bighorn County Commissioner

00:11:31 John Doyle, Bighorn County Commissioner

**Opponents' Testimony:**

00:12:47 Daniel Watson, Rosebud County Commissioner

00:14:29 Alec Hansen, League of Cities and Towns

**Informational Testimony:**

00:19:14 Gordon Morris, Montana Association of Counties

00:21:24 Bill Kennedy, Montana Association of Counties

**Questions from Committee Members and Responses:**

00:22:45

**Closing by Sponsor:**

00:38:16

**HEARING ON HB 348**

**Opening Statement by Sponsor:**

REP. ROSALIE (ROSIE) BUZZAS (D) , HD 93, opened the hearing on HB 348, Revise youth access to alcohol and provide for keg registration.

00:41:52

[EXHIBIT\(buh21a01\)](#)

[EXHIBIT\(buh21a02\)](#)

**Proponents' Testimony:**

00:52:14 Jenny Haubenreiser, Mothers Against Drunk Driver

[EXHIBIT \(buh21a03\)](#)

00:56:45 Alec Hansen, League of Cities and Towns

00:57:45 Brenda Nordlund, Attorney General's Office

00:59:16 Jim Kembel, Montana Association of Chiefs of Police

00:59:37 Chris Gallus, Staples Law

01:01:37 Jim Smith, Montana Sheriffs Association

01:03:07 Jim Kropp, Fish, Wildlife and Parks

01:04:16 Elaine Taylor, Miller Brewing Company

01:04:59 Brad Griffin, Montana Retailers Association

**Opponents' Testimony:** None

**Informational Testimony:**

01:05:25 Neil Peterson, Department of Revenue

01:06:28 Becky Robieaux, City of Bozeman

01:09:03 Sam Hoffman, Brewery Owner

**Questions from Committee Members and Responses:**

01:10:22

**Closing by Sponsor:**

01:21:44

**HEARING ON HB 364**

**Opening Statement by Sponsor:**

REP. RICK MAEDJE (R), HD 2, opened the hearing on HB 364, Facilitate mail order purchase of Canadian pharmaceuticals.

01:41:05

**Proponents' Testimony:**

01:49:52 Claudia Clifford, AARP

[EXHIBIT \(buh21a04\)](#)

[EXHIBIT \(buh21a05\)](#)

[EXHIBIT \(buh21a06\)](#)

01:55:32 Betty Beverly, Montana Senior Citizens Association

[EXHIBIT \(buh21a07\)](#)

01:56:19 Bill Kennedy, Yellowstone County Commissioner

**Opponents' Testimony:**

01:59:52 Jim Smith, Montana Pharmacy Association

**EXHIBIT (buh21a08)**

02:04:56 Peter Wolfgram, Owner of 4 pharmacies

02:09:56 Brad Griffin, Montana Retail Association

02:11:24 Dennis Iverson, Pharmaceutical Group of Montana

**Informational Testimony:**

02:18:04 Duane Preshinger, Department of Social Services

02:19:11 Marilyn Kelly Clark, Department of Labor &  
Industry

02:19:57 Cort Jensen, Consumer protection Office

**Questions from Committee Members and Responses:**

02:20:22

**Closing by Sponsor:**

02:38:34

**HEARING ON HB 402**

**Opening Statement by Sponsor:**

REP. MONICA LINDEEN (D), HD 43, opened the hearing on HB 402,  
Revise licensure fees of food manufacturer's and retail  
establishments.

02:47:47

**Proponents' Testimony:**

02:51:18 Charles Brooks, Billings Chamber of Commerce

02:52:41 Brad Griffin, Montana Restaurant Association

**Opponents' Testimony:**

02:54:32 Joan Miles, Lewis & Clark City County Health  
Department

03:01:03 Linda Stoll, Montana Local Health Officers Group

03:02:59 Janet Stetzer, Department of Health & Human  
Services

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

03:09:33

HEARING ON HB 295

Opening Statement by Sponsor:

REP. KATHLEEN GALVIN-HALCRO (D) , HD 26, opened the hearing on HB 295, Prohibit expiration of gift cards.

03:10:00

Proponents' Testimony:

03:15:09 Cort Jensen, Consumer Protection Office

03:17:41 Brad Griffin, Montana Retail Association

03:21:34 Charles Brooks, Billings Chamber of Commerce

Opponents' Testimony:

03:23:56 Neil Peterson, Department of Revenue

Informational Testimony: None

Questions from Committee Members and Responses:

03:30:29

Closing by Sponsor:

03:34:59

EXECUTIVE ACTION ON HB 322

Motion: REP. MENDENHALL moved that HB 322 DO PASS.

Discussion:

03:37:53

[EXHIBIT](#) (buh21a09)

Motion: REP. MENDENHALL moved that HB 322 BE AMENDED.

Discussion:

03:38:53

Vote: Motion carried 11-7 by roll call vote with REPS. BERGREN, DOWELL, FUREY, GALVIN-HALCRO, JOPEK, VILLA, and WINDY BOY voting no.

Motion: REP. MENDENHALL moved that HB 322 DO PASS AS AMENDED.

Discussion:

03:44:46

Vote: Motion failed 7-11 by roll call vote with REPS. ARNTZEN, GALLIK, JONES, KLOCK, MENDENHALL, MILBURN, and STAHL voting aye.

Motion/Vote: REP. GALVIN-HALCRO moved that HB 322 BE TABLED AND THE VOTE REVERSED. Motion carried 11-7 by voice vote.

EXECUTIVE ACTION ON HB 71

Motion: REP. MCKENNEY moved that HB 71 BE taken off the TABLE.

Discussion:

Vote: Motion carried unanimously by voice vote.

Motion: REP. MCKENNEY moved that HB 71 DO PASS as amended

Discussion:

03:57:17

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 357

Motion: REP. JOPEK moved that HB 357 DO PASS.

Discussion:

04:02:11

Vote: Motion failed 9-9 by roll call vote.

EXECUTIVE ACTION ON HB 381

Motion: REP. GALVIN-HALCRO moved that HB 381 DO PASS.

Motion: REP. GALVIN-HALCRO moved that HB 381 BE AMENDED.

Discussion:

04:06:34

[EXHIBIT](#)(buh21a10)

Vote: Motion carried unanimously by voice vote.

Motion/Vote: REP. GALVIN-HALCRO moved that HB 381 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 334

Motion: REP. VILLA moved that HB 334 DO PASS.

Discussion:

04:08:59

Vote: Motion failed 3-15 with REPS. DOWELL, JOPEK, and WINDY BOY voting aye by voice vote.

Motion/Vote: REP. GALVIN-HALCRO moved that HB 344 BE TABLED AND THE VOTE REVERSED. Motion carried 15-3 by voice vote.

**ADJOURNMENT**

Adjournment: 12:20 A.M.

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REP. JIM KEANE, Chairman

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KYANNE KELLY, Secretary

JK/kk

Additional Exhibits:

**EXHIBIT ([buh21aad0.PDF](#))**